

Bacteriological examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

25,000,000 organisms per cc, plain agar, at 25° C.

38,000,000 organisms per cc, litmus lactose agar, at 25° C.

3,000,000 acid organisms per cc.

100,000 *B. coli* group per cc.

1,000,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

On September 9, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3070. Misbranding of medicinal beer. U. S. v. Darley Park Brewery. Plea of guilty. Fine, \$10. (F. & D. No. 5142. I. S. No. 4136-e.)

On July 18, 1913, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Darley Park Brewery, a body corporate, incorporated under the laws of the State of New Jersey, and doing business at Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on September 9, 1912, from the State of Maryland into the State of Virginia, of a quantity of medicinal beer which was misbranded. The product was labeled: "O-U-Hopp An Excellent Tonic, recommended for medicinal purposes—especially for nursing mothers, convalescents and victims of insomnia or nervousness. A glassful taken before or with meals aids digestion and before retiring produces restful sleep."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following result: Alcohol by volume, 4.58 per cent. Misbranding of the product was alleged in the information for the reason that it contained approximately 4.58 per cent of alcohol by volume, whereas the bottles failed to bear a statement on the label of the quantity and proportion of alcohol contained in said beer.

On October 9, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., April 14, 1914.

3071. Adulteration and misbranding of mill run. U. S. v. 1,200 Sacks of Mill Run. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5152. S. No. 1761.)

On April 18, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,200 sacks of mill run, which is a product commercially known as composed of middlings, shorts, and bran, being made from wheat as it goes to the rolls and being the residue after flour has been made therefrom, said product remaining unsold in the original unbroken packages and in the possession of the Joplin Hay Co., Joplin, Mo., alleging that the same had been shipped on January 17, February 27, and March 5, 1913, by the New Era Mills, a branch of the Kansas Flour Mills Co., doing business at Arkansas City, Kans., and transported in interstate commerce from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "98 Lbs. Polar Bear Mill Run. The Kansas Flour Mills Co. Analysis: Protein 14.00%; fat 3.50%. Arkansas City, Kans."

Adulteration of the product was alleged in the libel for the reason that it contained 5.93 per cent of a foreign material consisting chiefly of screenings which had been substituted wholly or in part for the genuine article, namely, mill run, as commercially known, and said product was further adulterated in that it consisted of 5.93 per cent of a foreign material consisting chiefly of screenings which had been mixed, packed with, and substituted for mill run, as commercially known, so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the label upon the product was false and misleading in that it stated that said product was one commercially known as composed of middlings, shorts, and bran, which is the residue left after flour has been ground from the wheat, whereas, in truth and in fact, the product contained 5.93 per cent of a foreign material consisting chiefly of screenings which had been mixed and packed with and substituted for mill run, and it was further misbranded in that it was offered for sale under the distinctive name of mill run, which is commercially known as a product composed of middlings, shorts, and bran, remaining after flour has been ground from the wheat, whereas, in truth and in fact, it was not mill run, but contained 5.93 per cent of a foreign material consisting chiefly of screenings which had been mixed and packed with and substituted for mill run, and it was further misbranded in that the label thereon misled and deceived the purchaser into the belief that he was purchasing mill run, commercially known as hereinbefore described, whereas, in truth and in fact, said product contained 5.93 per cent of a foreign material, consisting chiefly of screenings.

On May 10, 1913, the said Kansas Flour Mills Co., claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, or, in lieu thereof, that it should be redelivered to said claimant upon payment of all costs of the proceedings and execution of bond in the sum of \$650 in conformity with section 10 of the act. (It is the view of this department that mill run is commercially known as a product composed of middlings, shorts, and bran, remaining after flour has been ground from the wheat, as it goes to the rolls.)

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3072. Adulteration and misbranding of mixed feed. U. S. v. 4,800 Sacks of Mixed Feed. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5153. S. No. 1762.)

On April 18, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4,800 sacks of mixed feed remaining unsold in the original unbroken packages and in possession of the Joplin Hay Co., Joplin, Mo., alleging that the product had been shipped by the Rea-Patterson Milling Co., Arkansas City, Kans., from the State of Kansas into the State of Missouri, on January 9, January 13, January 16, January 18, January 21, February 7, February 11, February 12, and February 15, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "99 lbs. when packed. Mixed Feed. S P Sweet and Pure. Trade Mark. Registered. No. 64755. Ingredients Bran and Shorts. Guaranteed by the Rea-Patterson Milling Co. under the Food and Drugs Act June 30, 1906. Serial No. 16555. Guaranteed Analysis Fat 3.50 Protein 14.52 Carbo hydrates 57.33 fibre 7.90 The Rea-Patterson Milling Co. Coffeyville, Kan."

Adulteration of the product was alleged in the libel for the reason that each of the sacks contained 6.78 per cent of a foreign material consisting of cracked wheat and screenings which had been mixed, packed with, and substituted for bran and shorts so as to reduce, lower, and injuriously affect its quality and strength. Misbranding